

REMARKS

In the November 14, 2007 Office Action, claims 1-5, 8-15, 18, 19, 29 and 30 were rejected, claims 20-28 were allowed, and claims 6, 7, 16 and 17 were deemed objectionable. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

Applicant appreciates the acknowledgement in the Office Action that claims 6-7, 16-17 and claims 20-28 as originally-filed are deemed to allowable.

Allowed claim 27 has been amended to clarify that each of the plurality of channelizer circuits receive at least a portion of the sub-band. This amendment improves the understandability of the claim by expressly stating that which was implicit in the prior claim, so it is a purely linguistic change that does not affect the scope of protection (or the legal equivalents) that may be available. Claim 28 is similarly amended solely for linguistic purposes to provide consistent antecedent basis to the amended claim 27.

Withdrawn claims 31-35 have been cancelled without prejudice or disclaimer to simplify the issues pending in this Application. We expressly reserve the right to prosecute these claims at a later date, such as in a divisional or continuation application.

New claims 36, 37 and 38 correspond to allowed claims 6, 7 and 16, respectively, re-written in independent form. Because claims 36-38 are substantively identical to the allowed claims, these claims are entitled the same legal equivalents as originally-filed claims 6, 7 and 16.

Regarding the prior art rejections, the Office Action rejects various claims (including independent claims 1, 14 and 15) under Section 103(b), citing US Patent No. 6,574,794 ("Sarraf"). In particular, the Office Action states that the channelizing and routing features of claims 1, 14 and 15 are described in col. 6, lines 4-9 of the Sarraf reference. This cited language is reproduced below in its entirety:

6

signaling/control functions (S&C) are made via special access CDMA channels 71 in each spot-beam 74. To provide total service-area coverage for S&C transmissions in the uplink direction, the UFSM 15 separates the sub-band allocated for such S&C traffic from each beam's IF signal and delivers them to the S-type input-ports 16 of DRSP 60. After recovery by CDMA demodulators 65, S&C packets are given to the S&C packet processor-router 67 for routing to appropriate destinations. These include the payload configuration control processor 69, the broadcast-channel control processor 68 and the multi-service MPEG-2 transport multiplexers 63. S&C packets from SABCC 40 are trans-

Note that this language is referring to “S&C capability”, which is defined at col. 4, lines 46-51 of the Sarraf reference as “a two-way out-of-band signaling and communications (S&C) capability”. That is, “S&C” refers to out-of-band signaling traffic that is not part of the underlying IF signal. Referring again to the language of Sarraf reproduced above, the reference describes separating the out-of-band control from the beam's IF signal and then providing these control signals to other destinations. Importantly, the reference describes the extraction and routing of control data that is transmitted separately from the underlying IF signal. It does not describe channelizing the sub-band “into a plurality of frequency slices/data packets” and then routing these channelized slices/packets to receiving ports for reassembly into output sub-bands.

Stated another way, our claims 1, 14 and 15 each recite dividing the sub-band into slices/packets, routing these channelized packets/slices to output ports, and then re-assembling the channelized and routed packets to create output sub-bands. Even to the limited extent that the Sarraf reference can describe separating information in a received signal, then, this disclosure only relates to separating out signaling data that is already “out-of-band” and that clearly would not be routed within the satellite payload or re-combined with other channelized slices/packets in an output sub-band. At the very least, the “separating” of out-of-band control signals fails to anticipate our claimed limitation of “dividing the sub-band spectrum into a plurality of frequency slices/data packets” as recited in claims 1, 14 and 15. As a result, the reference fails to anticipate each and every element of the independent claims against which it is cited.

There are other distinctions between the prior art and our claims (including the various dependent claims). The cited art does not even remotely describe the digital processing features

of claims 2-7, for example, nor does it disclose the digital processing features of claims 18-19. These differences are cumulative to the differences pointed out above, however, so it is unnecessary at this point to elaborate on all of these additional differences. Nevertheless, we reserve the right to separately point out additional patentable features of any of our claims at a later date.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

In conclusion, for the reasons given above, all claims now presently in the application are believed allowable and such allowance is respectfully requested. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee that may be due.

Respectfully submitted,

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